IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 10326 of 2006(D)

PETITIONER:

ISSAC N. ISSAC,
SENIOR ACCOUNTANT(IN-CHARGE EVENING BRANCH MANAGER),
KANJIRAPPALLY EVENING BRANCH, KOTTAYAM DISTRICT CO-OPERATIVE BANK LTD., KOTTAYAM.

BY ADV. SRI.P.RAVINDRAN

RESPONDENTS:

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1. THE PRESIDENT,
KOTTAYAM DISTRICT CO-OPERATIVE BANK LTD.,
P.B.NO.140, KOTTAYAM.

2. THE JOINT REGISTRAR,
CO-OPERATIVE SOCIETIES (G), KOTTAYAM.

3. GOVERNMENT OF KERALA,
REPRESENTED BY ITS SECRETARY, CORPORATION (B) DEPARTMENT, THIRUVANANTHAPURAM.

4. KOTTAYAM DISTRICT CO-OPERATIVE BANK LTD.
REPRESENTED BY ITS GENERAL MANAGER, KOTTAYAM.

ADDL.R5. THE CO-OPERATIVE ARBITRATION COURT, TRIVANDRUM.

WPC 10326/06 D

(ADDL. R5 IS IMPLEADED AS PER ORDER DATED 11.10.06 IN IA NO.14261/06).

R1 & R4 BY ADV. SRI.T.R. RAVIKUMAR, SC, DCB, KTM
R2 & R3 BY GOVERNMENT PLEADER (SHRI P.K. RAVIKRISHNAN)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C). NO. 10326 OF 2006 D

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE RESOLUTION OF THE BOARD OF DIRECTORS MEETING HELD ON 12.11.1976.

EXT.P2 TRUE COPY OF THE MEMO OF THE FOURTH RESPONDENT BANK DATED 15.2.2000.

EXT.P3 TRUE COPY OF THE ORDER DECLINING THE PROMOTION TO THE PETITIONER, DATED 25.5.2001.

EXT.P4 TRUE COPY OF THE ORDER DATED 31.12.2001.

EXT.P5 TRUE COPY OF THE RESOLUTION OF THE BANK DATED 3.9.2003.

EXT.P6 TRUE COPY OF THE RESOLUTION OF THE BANK DATED 26.4.2003.

EXT.P7 TRUE COPY OF THE ORDER DATED 16.5.2005.

EXT.P8 TRUE COPY OF THE INTERIM ORDER OF THE ARBITRATION COURT DATED 4.5.2005.

EXT.P9 TRUE COPY OF THE JUDGMENT IN WPC. NO. 29463/05 DATED 27.2.2006.

EXT.P10 TRUE COPY OF THE REPRESENTATION DATED 17.5.2003.

EXT.P11 TRUE COPY OF THE PETITION DASTED 21.3.2006.

EXT.P12 TRUE COPY OF THE AWARD IN ARC. NO.12/05 DATED 13.3.07.

// TRUE COPY//

PA TO JUDGE

K.M.JOSEPH, J.

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WP.(C) No.10326 of 2006

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Dated this the 4th day of October, 2007

JUDGMENT

Case of the petitioner in brief is as follows:

Petitioner is working as Senior Accountant. He is entitled to promotion as Branch Manager. The second respondent Joint Registrar by Ext.P4 directed his promotion as Branch Manager since no disciplinary proceedings are pending. Thereafter disciplinary proceedings were launched against the petitioner. The disciplinary proceedings culminated in the petitioner being reverted. Against the same, the petitioner approached the authority under Section 69. By Ext.P8 the order passed in the disciplinary proceedings was stayed. The petitioner approached this court for a direction to the fourth respondent to promote him as Branch Manager with effect from the date when his immediate junior was promoted and to take necessary action to enforce Ext.P3.

2. I heard learned counsel for the parties.

3. After the filing of the writ petition it is common case that the

Arbitration Case filed by the petitioner challenging the reversion was allowed and the reversion order was quashed. It is also submitted that an appeal is filed against the same by the respondent Bank. Learned counsel for the respondent submits that no interim order is obtained staying the award.

The writ petition is disposed of directing the fourth respondent to consider and take a decision on the question of granting promotion to the petitioner within a period of one month from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

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